**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD**

## HON'BLE Mr. JUSTICE R. SUBHASH REDDY

**Writ Petition No.13249 of 2006**

**Dated: June 30, 2006**

**Between:**

Y.P. Reddy, S/o. Ramana Reddy, Hindu, aged 41 years, Constable, R/o. Quarter No.8-173, D.O.S. Colony, Sulurpet, Nellore District.

… Petitioner

And

The Asst. Commandant, Central Industrial Security Force, Ministry of Home Affairs, Sathshdavan Space Centre, SHAR, Sriharikota, Nellore District, and two others.

… Respondents

## Order:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the third respondent in transferring the petitioner from SDSC-SHAR, Sriharikota to BRPL-Bangaigaon, Assam State, by proceedings dated 07-03-2006, even before completion of three years of service at Sriharikota, as illegal and arbitrary.

2. The petitioner, who was appointed as Constable in the Central

Industrial Security Force on 15-07-1986 and posted at Zaria, worked at various places and has been working at Sriharikota from 20-09-2004. It is the case of the petitioner that he has only completed 2 years of service at Sriharikota, but the third respondent, by proceedings dated 07-03-2006, transferred him to Bangaigaon, Assam. It is stated that the petitioner has made representation dated 20-04-2006 to the third respondent requesting him to defer his transfer to Assam state for a period of one year stating that his father is suffering from T.B., Asthma and Chronic Osteantellous and that his children are studying in Space Centre School, Sriharikota. The grievance of the petitioner is that due to his transfer, even before completion of two years, the studies of his children, who are studying at Sriharikota, would be disturbed as they are in the middle of the academic year. It is further submitted that as per Circular No.41/93 dated 14-12-1993, the petitioner is entitled to retain the quarter allotted to him till the academic year 2006-07 is completed.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondents.

4. Though the petitioner is relying on a circular dated 30-06-1994, which ordains that normal tenure of an employee at one station is three years, having regard to the administrative exigency, it is always open for the respondents to transfer an employee from one place to another. Merely because the guidelines indicate that a person should be retained at a particular place for a period of three years, the petitioner does not have any enforceable right to claim continuance at the old station and the transfer which he has questioned, cannot be entertained in this petition filed under Article 226 of the Constitution of India and hence I am not inclined to interfere with the impugned order.

5. However, as the petitioner has relied upon a circular, which entitles him to retain the quarter till the end of academic year 2006-07, limited directions can be given to the respondents regarding his entitlement of quarter till the end of the academic year.

6. In that view of the matter, I dispose of the writ petition permitting the petitioner to make a representation to the third respondent, the Director General, Central Industrial Security Force, New Delhi, in this regard within two (2) weeks from today. On such representation being made, the respondents are directed to consider the same and extend the benefit of circular dated 14-12-1993 to the petitioner, by passing appropriate orders. Till appropriate decision is taken on the petitioner's representation and communicated to him, respondents shall not take steps to evict the petitioner from the quarter he is residing in at Sriharikota.

7. Subject to the above observations, the writ petition is disposed of. No order as to costs.

**JUSTICE R. SUBHASH REDDY.**

June 30, 2006
**MRR**